

**187th Meeting**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:30 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Gianlorenzo and seconded by Mr. Ladouceur.**

**(C) The minutes of the 186th meeting were approved on a motion by Ms. Turkel and seconded by Mr. Caldwell.**

**(D) Court Case Update: November 2004**

**FINES RESTITUTION DATE CLAIMANT**

**Pate 250 - 7/04**

**Bonsall 250 - 7/04**

**Longley 250 - 7/04**

**Gencarelle 500 - 7/04**

**Buchignani 500 1,400 7/04 Bell**

**Braz 250 725 7/04 Foti**

**Catauro 500 - 7/04**

**Geritsen 500 - 7/04**

**K. Garies 300 - 7/04**

**E. Johnson 500 - 7/04**

**Thomas 7,000 6,500 8/04 DeFina Bevelacqua 500  
2,000 8/04 Baccari**

**Iarossi 100 6,500 8/04 Izzo**

**K. Garies 300 8/04**

E. Fontaine 100 1,526.69 8/04 Lobdell  
Colucci 500 3,000 8/04 Lanagan  
Bourgault 500 5,708 8/04 Clark  
VanDale 250 8/04  
Manchester 250 8/04  
J. Fontaine 100 55,000 9/04 Rooney  
Chase 250 9/04  
Belevaqua 1,600 9/04 Foley  
Villella 1,392 9/04 Admaczyk  
Gordon 250 9/04  
Padula 250 9/04  
Mourato 250 9/04  
Charette 500 9/04 Almonte  
K. Garies 300 9/04  
Tiberio 300 10/04  
Trambowicz 250 10/04  
Devine 500 10/04  
Chabot 500 10/04  
Harmon 5,500 10/04 Brucato  
Ellinwood 500 10/04  
Brouillard 500 1,025 10/04 Shunney  
Oborne 500 2,000 11/04 Egan  
K. Garies 300 11/04  
Heroux 7,000 11/04 Melki  
Faria 500 11/04

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**TOTAL:            35,150            206,646.03**

**YEAR TO DATE FINES/RESTITUTION: \$241,796.03**

**(E) Consideration of Cases on Appeal and Oral Argument:**

**(1) 12:35 PM, claim #4441, Tanzi vs. Jodoin, exceptions filed by the respondent. The Board reviewed the exceptions, the claim and information provided and listened to Mr. Tanzi, who stated no payments were made since the last Board meeting. Having failed to comply with the agreement reached, the Board upheld the decision of the Commission and a Final Order is to be issued;**

**(2) 12:40 PM, claim #4527, Chellel vs. Tiberio, exceptions filed by the respondent. The claimant was not in attendance, but informed the Board that they were in agreement with the Proposed Order issued by the Commission, Mr. Tiberio expressed his concerns on the decision rendered and didn't agree with the award or fines that were imposed. After much discussion and review, the Board's investigator, who recently communicated to the claimant who was out of town, suggested the contractor be allowed to return to the property and have all work completed by a prescribed date. On a motion by Mr. Ladouceur and seconded by Mr. Gialorenzo, the Board unanimously upheld the order issued with a stipulation that it be stayed until November 26th and upon inspection by Mr. Lewis, if complete the matter could be closed, otherwise a final order would be issued as proposed;**

**(3) 12:50 PM, claim #4448, Sullo vs. McKeon, exceptions filed by the respondent, who failed to appear. The claimants were present and were represented by counsel. Mr. Ladouceur the vice-chairman recused himself having provided the claimant with an estimate to assure no conflict, a form will be submitted to the Ethics Commission for filing. Concern was expressed regarding insurance coverage and the certificate provided to the Board as possibly being forged. The Board asked Mr. Lanni to look into these allegations and set up a hearing; the Board vs. the contractor on this matter. In discussing the fine amounts, concern as to the ability to fine up to the value of the contract. After review of the case, a motion was made by Mr. Carlone and seconded by Ms. Turkel to uphold all the provisions of the proposed order, except the suspension, which should be modified to revocation. The matter passed unanimously;**

**(4) 01:05 PM, claim #4511, Piacente vs. Lisker, exceptions filed by the respondent. Both parties were in attendance and had the opportunity to address the board with concerns and exceptions. The respondent stated he wasn't aware of the hearing and was working with the investigator to try and resolve the matter. The investigator had sent his report initially to the contractors previous address, but re-sent the information to him at the address of record with the Board. The respondent expressed concern that he was in the office (2) days prior to the hearing and no one informed him of the hearing date. In review of the record, the Executive Director read the face sheet which indicated notice had been sent well in advance of the hearing to the address of record. After further review of the file and asking more**

questions of both parties, a motion was made by Mr. Carlone and seconded by Mr. Ladouceur to uphold the decision of the hearing officer with the exception of the fines that will be reduced from \$3,500 to \$500 if the claimant is paid within thirty (30) days. The motion carried unanimously.

**(F) Report of the Executive Director:**

**(1) Statistics Report: 11/17/04**

**Registrations:**

**Number of Registered Contractors**

**11126**

**Number of Cards Surrendered**

**3036**

**Number of Cards Lapsed**

**10910**

**Number of Cards Invalidated**

**271**

**Number of Cards Suspended**

**240**

**Number of Cards Revoked**

**27**

**Registration Actions 11/17/04 – 12/8/04**

**Number of New Registered Contractors**

**141**

**Number of Renewed Contractors**

**10985**

**Number of Cards Surrendered**

**0**

**Registrations Invalidated**

**2**

**Registrations Suspended**

**1**

**Registrations Revoked**

**0**

**Claims:**

**Administrative Appeals**

**3**

**Board Appeals**

**1**

**Awaiting Further Action**

**39**

**Court**

**106**

**Disposed**

**3923**

**Under Investigation**

**373**

**Disposed Prior to 4/95**

**286**

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**TOTAL CLAIMS FILED WITH THE BOARD**

**4684**

**Number of New Claims**

**43**

**(11/17/04 – 12/8/04)**

**Violations:**

**Advertising**

**3**

**Non-Registered Subcontractors**

**8**

**Cancelled Insurance**

**134**

**Notice of Hearing**

**29**

**Non-Registered Contractors**

**602**

**TOTAL RECORDS**

**782**

**Number of New Violations**

(11/17/04 – 12/8/04)

**Lapsed Registrations/Never Re-Newed:**

December 2003	101
January 2004	98
February 2004	83
March 2004	98
April 2004	90
May 2004	114
June 2004	123
July 2004	127
August 2004	98
September 2004	42
October 2004	40
November 2004	21

**TICKETS 2004**

January	0
February	0
March	0
April	0
May	0
June	1      \$250
July	0      0



August	1	\$250
September	0	0
October	1	\$500

**Commercial Roofers:**

Number registered.....	Y.....	97
Number expired/lapsed.....	N.....	11
Number surrendered.....	S.....	7
Number invalidated.....		0
Number suspended.....		0
Number revoked.....		0
Pending Approval.....		0

**(G) Old Business:**

**(1) Committee Report:** None to report on at this time, but will need to establish new dates in the very near future to go forward on these issues;

**(2) Parking/ ID's:** Last card distributed;

**(3) Year End Report:** Provided information as to last years performances.

## **(H) New Business:**

**(1) Attorney General:** The Attorney General addressed the Board regarding multiple issues. He first thanked all the members and staff for their dedication and cooperation improving the industry. The Board also expressed their appreciation for the services provided by the General and his staff and especially Joseph Marran, III in prosecuting the Board's cases and providing the Board with legal counsel. The General expressed concerns on the unfunded programs and concerns as to the exposure it puts on the state not providing the services legislatively required. It is necessary to have the tools and resources to perform and he offered assistance in helping legislatively to try and resolve this problem. Mr. Ladouceur suggested that a subcommittee be established with a cross section of participants to appropriately develop legislation that could resolve some of the issues confronting the agencies. The fine schedules to a tiered system change to licensing and even potential felony charges. Fines to help consumers could also be modified to go to the value of the contract rather than the maximum of \$10,000; at the hearing officers discretion. The Executive Director for the Board asked questions regarding the new law 5-75 et al that requires the Board to take action on a contractors registration for non-payment of taxes, and information regarding social security numbers on applications. Additionally, concerns over the arrest warrants being issued and Judge Higgins concerns on how the contractors are informed. On the matter of new changes to applications and the need to report

information to taxation, concerns were expressed that personnel identity thief is a major concern in this technological age and it may be compromised; also the constitutionality of requesting this information was discussed. Many of the contractor members objected to providing this information and the Executive Director responded that this was required by RI General Law passed last legislative session. Discussion on this matter extended to ACLU or RIBA pursuing a court action as to this requirement. The Board's legal counsel had concerns over the language and registration verses licensing. The General was made aware of the Board's concerns in this regard. The General again thanked the Board for their service and looks forward to working with the Board in the future;

(2) Contract on Web: Due to time factor, this matter was tabled until next month;

(3) Action on Registration: Requirements by RI Division of Taxation, the Board reviewed information provided by the Director regarding the law. Matter was discussed and some suggestions made that it could put legislation in to have Division of Motor Vehicles suspend licenses in conjunction of registrations if payments on fines or restitution were not made or other actions. Questions were posed as to any legal action taken on constitutionality of law. Builders suggested maybe RIBA should be informed of this matter. On a motion by Mr. Carlone and seconded by Ms. Turkel the matter was put on hold until more research could be done by the Board's attorney as well as discussion with RIBA;

**(4) Meeting Assoc. Dir./Auditor:** On November 15th a meeting was held with the Auditor staff, Assoc Director, Bob Brunell and George Whalen to discuss programs, issues and streamlining operations. The 3½-hour meeting mapped out how the process of registration takes place, other unfunded mandates were mapped out and process was established and needs to implement the programs legislatively mandated. Some aspects may be out sourced to reduce cost;

**(5) Electronic Filing:** Has been initiated as required by law. This practice will continue.

**(I) Public Comment:** None

**(j) Announcements:** The next meeting is scheduled for Wednesday December 8, 2004 at 12:30 PM, Conference Room “C”, 2nd Floor, One Capitol Hill.

**(K) Adjournment:** A motion was made by Mr. Ladouceur and seconded by Ms. Turkel to adjourn at 3:00 PM.

**Members Present:** F. Carlone, E. Ladouceur, P. Brunetti, D. Caldwell, R. Cardoza,

**B, Calcagni, S. Gianlorenzo, A. Salisbury, M. Turkel. and L.**

**Weisman**

**Members Absent: D. Gagnon**

**Others Present: George Whalen (Executive Director), Legal  
Counsel, Attorney**

**General, Parties for appeal  
and Stenographer.**

**Respectfully Submitted,**

**George W. Whalen, Executive Director  
Contractors' Registration Board**

**GWW/man**